

RID (Rule Interpretation Decision)

(Use additional sheets as necessary)

Type of RID		Requested Response Time	DSD Assigned RID # 105
Customer RID	<input type="checkbox"/>	24 hours	<input type="checkbox"/>
Internal Staff RID	<input type="checkbox"/>	10 working days	<input type="checkbox"/>
		As time available	<input type="checkbox"/>

1. Project Name: Platting Requirements

2. Project Number: n/a

(Plat #, Zoning Case #, etc.)

3. Project Street Address: n/a

(If not available nearest intersection of two public streets)

4. Applicant Name: n/a

5. Applicant Address: n/a

6. Applicant Telephone #: n/a

7. Applicant e-mail Address: n/a

8. Rule in Question:

(Section and/or policy of UDC, Sign Code, etc)

UDC section 35-430(c) lists fifteen conditions where a property may not require platting. The first two items, in subsection (c), are stated as follows:

(1) *The division of land into parts greater than five (5) acres within the city limits of the City of San Antonio, where each part has access and no public improvement is being dedicated, shall not require a subdivision plat. For purposes of this subsection, access shall mean a minimum frontage of fifteen (15) feet onto a public street or recorded access easement of fifteen (15) feet onto a public street. Public improvement shall mean creation of new streets, alleys or the extension of off-site utilities or the installation of drainage improvements.*

(2) *The division of land into parts greater than ten (10) acres in the ETJ of the City of San Antonio, where the owner does not lay out part of the tract for streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, alley, squares, parks, or other parts shall not require a subdivision plat.*

9. Applicant's Position:

(Including date position presented and name of city staff point of contact)

Date: March 19, 2012

Contact: Andrew Spurgin

Contact Telephone #: 207-8229

The purpose of the plat exception in subsection 35-430(c)(1) is to allow minor lot splits into parts greater than five (5) acres as a transactional matter without going through the

full platting process. Likewise Section (2) is to accommodate minor splits of properties, except this provision requires greater than ten (10) and is applicable in the ETJ. Examples include splitting land among heirs in an estate or dividing land among partners in an incorporated legal partnership.

The exceptions in 35-430(c)(1) and (2) are purely to allow the exercise of splitting of properties. A plat may be required at the time of utility connection or building permits unless one of the other plat exceptions in 35-430(c) is met and documented in a Certificate of Determination.

10. Staff Finding:

(Including date of finding and name of city staff person formulating finding)

Date: March 19, 2012 **Contact:** Andrew Spurgin **Contact Telephone #:** 207-8229

UDC Section 35-433 provides for the use of development plats, which is a separate process than conventional subdivision plats. 35-433 provides specifically that an applicant has three options as shown below:

35-433 (a) (3) *A development plat is not required where:*

A. *The person is required or elects to file a subdivision plat within the city limits of San Antonio; or*

B. *One (1) of the exceptions established in subsections 35-430(c)(2)—(c)(9) applies; or*

C. *The tract is greater than five (5) acres, has access with a minimum frontage of fifteen (15) feet onto a public right-of-way, public street, platted private street or recorded irrevocable access easement, and which requires no public dedications. Providing further that the owner agrees not to further subdivide without filing a subdivision plat and a request for utilities shall not serve more than three (3) dwelling units.*

1. An applicant may file a subdivision plat pursuant to Section 35-430
2. An applicant may qualify for one of the plat exceptions lists in 35-430(c)(3) and higher *[note that (c)(1) is not included; subsection (2) should be included as it was a later addition to the UDC requested by Bexar County; the item identified as subsection(2) at the time 35-433 (a)(3) was written is now identified as subsection (3) within 35-430(c)]*
3. The property is over five (5) acres and meets the conditions precedent in subsection C above and further provided does not serve more than three residential dwelling units.

When the plat exceptions listed in 35-430(c) and the conditions in 35-433(a)(3) describing usage of the development option are synthesized, the interpretation is clarified. The additions of cross references in the UDC would facilitate improved understanding.

11. Staff Position:

(Including date position presented internally and name of city staff person formulating position)

Date: March 19, 2012 **Contact:** Andrew Spurgin **Contact Telephone #:** 207-8229

The purpose of the exception in rule 35-430(c)(1) and (2) is to allow minor division of properties into parts greater than five (5) acres or ten (10) acres in the ETJ as a

transactional matter without going through the full platting process. Examples include splitting land among heirs in an estate or dividing land among partners in an incorporated legal partnership. The exception in 35-430(c)(1) and (2) are purely to allow to exercise of splitting of properties. A plat may be required at the time of utility connection or building permits unless one of the other plat exceptions in 35-430(c) is met. A property may, however, establish up to three single family residential dwelling units on the tract provided it meets all the conditions in 35-433(a)(3)C without requiring a subdivision plat or a development plat through issuance of a Certificate of Determination.

12. Departmental Policy or Action:

(Including date of presentation of policy or action to the applicant, the effective date of the policy or action, schedule for pursuing an amendment to the code if required and signature of the Director)

Date of policy/action: March 19, 2012

Effective Date of policy/action: Immediate

Supports staff position and directs Land Entitlements staff to do the following:

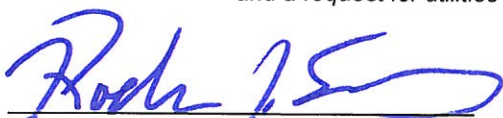
1. Update Information Bulletin #531 to reflect this interpretation
2. Submit appropriate revisions to the UDC for the next update program including appropriate cross-references between 35-430(c)(1), (2) and 35-433(a)(3) and update the development plat criteria to reflect the additional plat exceptions authorized by 35-430 as indicated below:

35-433 (a) (3) A development plat is not required where:

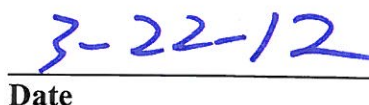
A. The person is required or elects to file a subdivision plat within the city limits of San Antonio; or

B. One (1) of the exceptions established in subsections 35-430(c) ~~(3)(2)~~—(c) (15) ~~(9)~~ applies; or

C. The tract is greater than five (5) acres if inside the City Limits, or ten (10) acres for properties located within the ETJ has access with a minimum frontage of fifteen (15) feet onto a public right-of-way, public street, platted private street or recorded irrevocable access easement, and which requires no public dedications. Providing further that the owner agrees not to further subdivide without filing a subdivision plat and a request for utilities shall not serve more than three (3) dwelling units.



Roderick Sanchez, AICP, C.B.O
Director



Date